

# THE TRI-WEEKLY COMMONWEALTH.

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THE TRI-WEEKLY COMMONWEALTH  
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**ADDRESS**  
Adopted by the American Party,  
AT ITS ANNUAL MEETING,  
June, 1857.

Called by the passing away of another year to meet the members of the American party in National Council, the occasion demands a reaffirmation of our opinions. "We are ready to-day as aforetime to give a reason for the faith that is in us, and as ready to-day as ever before to stand fast by our vows of devotion to our whole country. Neither dismayed by defeat, nor disheartened by opposition—neither disengaged by the past, nor without hope for the future—we meet together both to counsel one with another, and to show to the people of the United States by our presence and our numbers here in open convention that as a party we are hopeful and determined as to our future course of action.

The dominant party at the North and the dominant party at the South, by appeals made to sections of country and the passions of the day, are temporarily successful. But a temporary triumph is no evidence of permanent success. Nor does a victory secured by passion give evidence of a true attachment to principle. A true soldier will never be disheartened in sustaining a good cause because of one or many defeats.

The nine hundred thousand American voters who sustained the American candidates for the two first offices in the gift of the people in November last may enjoy the consciousness of an honest work well meant and well done. They neither counted the cost of defeat nor faltered in the discharge of a great public duty, and had the thousands of men who agreed with them in opinion as to the justice of their principles and the fitness of their candidate acted upon the same convictions of public duty, the result would have been far different. At the North, tens of thousands voted for Mr. Fremont upon the plea that there was no chance for Mr. Fillmore, while tens of thousands voted for Mr. Buchanan at the South upon the plea that a vote for Mr. Fillmore would secure the election of the candidate of the misaligned Republican party. It was a cruel and uncalled for sacrifice of principle upon the altar of expediency, and one of those sacrifices of principle which, if persisted in, in private life, as is sometimes the case, in the consideration of subjects of great public moment, would result in common disaster. When patriotism becomes the rule of action and a true love of country points out the path of duty, nothing can excuse the yielding up of that which is right for that which is merely expedient.

We do not, however seek to recall anything in the past calculated to wound the feelings of those who were tempted in a moment of despondency or thoughtlessness to forget their obligations to their country or their associates in principle.

Thousands who left our ranks in November, drawn away by the temporary expedients and passions of the hour, have returned to the fold of the American party. They have been taught in the bitter school of experience that the word of promise may be made to the ear and broken to the hope. Where there was a pledge to secure, and the power to effect a pure ballot-box—the want of which is one of the great evils of the times—and to accomplish which ought to unite the good men of all parties—there has been either a criminal indifference to the evil itself or a bold participation in that wrong. So in the promises made at the North to secure a pure franchise through the agency of a registry law where all could see and know who, under the constitution and by the laws, were entitled to vote.

In instance that we can recall to mind have either of the two great organizations opposed the American party endeavored to secure those wholesome reforms which are essential either to an intelligent or honest exercise of the rights of franchise. Even where an attempt has been made, as in New York, to secure a practical reform under the naturalization laws, so that while the change would not extend the five years' residence previous to naturalization provided by the laws of the United States, it would, nevertheless, secure a small portion of this limited residence before the alien was allowed to vote, the attempt has failed, by the combined opposition of both the Democratic and Republican parties, who not unfrequently work together at the North to destroy the American organization.

And while there has been a neglect to maintain a pure franchise for white voters, and an open and earnest opposition to all reforms, proposing simply remedial measures for admitted great public evils, there has also been enacted in New York a successful measure looking to such an amendment of the Constitution as would secure a general system of suffrage to the negroes of the State. Thus, in one part of the Union a State Constitution is opened to sustain the question of negro suffrage, while in another part of the Union the alien has had conferred upon him privileges wholly unknown to the native-born citizen. To day a foreign pauper or a foreign criminal, driven or banished from the pest or prison houses of Europe, is made in all things, and regardless of his residence in the country, an equal with the citizen whose service has been long-life, patriotic, and useful in the land of his birth. To-morrow again, States in another section of the country become revolutionary in their plans of opposition to the Federal Government, and exhaust their patriotism and labor in measures of mere speciality and favor for the negro.

We seek to avoid such anomalies of legislation in both our Federal and State governments—Their tendency is neither toward humanity nor mercy. They benefit neither the white nor the black race, and whether well meant or ill meant, result in that spirit of strife and uncharitableness in different States and among different classes of people which the true men of the country cannot fail to deplore.

Higher aims and nobler objects animate the American party. We know of no political differences between the rights of the North and the rights of the South. All are subordinate to the constitution of our common country. The union of the States, the rights of the States, and under the Union, is our chief glory and our greatest good—When differences of opinion come, as come they will, they must be settled, not by crimination and hate, but by reference to that great principle of common right and common protection—the CONSTITUTION OF THE UNITED STATES; and if there shall unfortunately again be differences of opinion as to what is granted and what is denied by the constitution, the judiciary of the land, through the authorized courts of the nation, can alone make up and decide the final issue. The constitution and the law must, therefore, at all times and in all places become our rule of action.

Termination of opinion, the freedom of speech

and of the press, the right of the people peaceably to assemble and petition the government for a redress of grievances, are among these specified constitutional personal rights, and cannot be abridged except as the abuse of these privileges is restrained by the laws of the land. Equally explicit are the rights of the States over their own territories, and interference with them becomes both a public abuse of power and an act of personal impertinence. If all men in all sections of the country, could realize where their powers commence, and where they cease—if they could understand that they are no more responsible for other men's sins than they are secure in their own assumed virtues, all would be comparatively well.

There are many and vital questions upon which the American party can agree, and to these all other subjects should be subordinate. They are, in brief, condensed in the following spirit of our National Platform. We hold, for example, as cardinal maxims of public justice and private duty, to the following rule of faith and action:

1st. The Federal Union must be maintained.

2d. The reserved rights of the States must be respected.

3d. The decisions of the Supreme Court must be enforced.

4th. The union of Church and State must be prevented.

5th. The rights of conscience must be guaranteed.

6th. American interests must be promoted.

7th. An American nationality must be cherished.

8th. Sectional agitation must be terminated.

9th. Foreign paupers and criminals must be excluded.

10th. The naturalization laws must be amended.

11th. "Squatter Sovereignty" and alien suffrage must be repudiated.

12th. Americans must rule America.

There is nothing here not taught in the Constitution of the United States, and nothing here repugnant to the spirit and letter of that instrument of liberty and law.

The provision of the Constitution which requires the President of the United States to be a native born citizen—which requires the Vice President to possess the same qualifications with the President—which in the foreign born imposes a nine years' residence, after naturalization, as qualification of a candidate for the United States Senate, and a residence of seven years after naturalization, as a qualification for Representative in Congress—which forbids test oaths for office, and the maintenance of an established Religion, are all part and parcel of our faith and practice.

So far from departing from any provision of the Constitution, we seek to restore a respect for its framers, and an entire and hearty obedience to its provisions.

But we cannot shut our eyes to other issues which have been forced upon us by the Democratic party, which is not only not what it was in past time, but which seems to have outlived its consistency, usefulness, and its virtues. It has different faces for different parts of the country, and different phases to illustrate its many creeds. It has involved the government in great difficulty, and no man feels secure in the future while this party is in power. Under Democratic Administrations there has been an open violation of law in the Territory of Utah. A social system which would have disgraced the darkest ages, utterly repugnant to civilization, reflecting a highest derision upon the government, a festering sore upon the political body, and every day growing from bad to worse, exists and has existed for four years past within the borders of our own government. We condemn this outrage upon morals and humanity, and desire to see the nuisance abated. We trace it, however, as one of the natural ills incident to that system of administration which seeks to fill the nation with criminals, paupers, and fanatics from the old world. We trace the great majority of wrongs in Utah, the act of treason, the cases of arson, the multitudes of murders, the cruel banishments, the beastly infamy, to that unnatural indifference of those who, serpent like, have crept into the bosom of the nation in order to sting and destroy it.

Other questions of great importance though of less magnitude also attract our attention. The public domain, secured by a common treasure and a common sacrifice of blood and labor, the common property of the nation is distributed without regard to the general ownership, and with a lavishness of appropriation which shows an utter indifference to the just claims and true wants of the American people.

Who can arrest these evils and restore the government to its ancient landmarks but the American party? Where else is there a sure hope of the union of the States with that free expression of opinion which belongs to every Commonwealth of the Republic, and to every citizen in the Union?

We call then upon our countrymen all over the land to organize and act. Let them seek to give honor, strength, prosperity, and perpetuity to our glorious Union by making the love of country and of the whole country a passion and a principle.

The past in our nation is made glorious by the patriotism and heroism of our noble ancestry of Southern men of the stamp and character of him who led the great armies of the Revolution, and of those who were distinguished under the confederation and in the convention which framed the constitution. Northern men, too, of the stamp and character of the son of Massachusetts who nominated George Washington of Virginia to be General-in-Chief of the armies of the Republic, and like him received the sword of the leading British General on Southern soil at the instance of the forever-loved, Heaven protected Father of our common country.

Living then in these great examples of the past—seeking to re-baptise the whole nation in the spirit of the great and good men who led the way to victory, and to independence, we, too, are hopeful and heartful of the great future.

We invoke the sympathy, the aid, the co-operation of all men, all over the land, who are with us and to us in principle and sentiment and of all men too, who wish to reform those gross abuses in the State and nation which have resulted in so much personal wrong, and left a stain like a wound upon the fair frame of the Republic.

Americans and friends of Americans, North and South, East and West, "Awake, arise, or be forever fallen."

ERASTUS BROOKS, of New York.

ANTHONY KENNEDY, of Maryland.

R. W. THOMPSON, of Indiana.

VESPASIAN ELLIS, of Washington, D. C.

W. F. SWITZLER, of Missouri.

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Sept. 8, 1857—1y.

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Office, "Old Bank," opposite the Mansion House

Frankfort, Nov. 19, 1856—bv.

# THE COMMONWEALTH.

## Kansas Affairs.

Our readers have been apprised that great frauds are alleged to have been committed in the recent elections in Kansas. The Free State party have petitioned Gov. Walker to give the actual residents of the Territory the direction of their own affairs, and he, after enquiring into the charges brought against the pro-slavery party has concluded to throw out the entire vote of the Oxford precinct. But the following protest and proclamation will explain the whole matter:

To his Excellency R. J. WALKER, Governor, and the Hon. FRED P. STANTON, Secretary of the Territory of Kansas:

The undersigned, citizens of the Sixth Council and Tenth Representative Districts in the said Territory of Kansas, beg leave respectfully to represent, that at the election, held on the 5th inst., for Delegate to Congress, members of the Legislative Assembly, and other public officers, gross frauds were committed in the returns for Oxford precinct, by which a large number of votes, viz. about 1,626, were returned, purporting to be polled at that precinct, which, your memorialists have good cause to believe, and do believe, there were not to exceed one hundred legal votes. They have information in which they place full confidence that on the 5th day of October there were only about 91 votes polled, that on the day following, when it was purported some 1,538 votes were polled, there were no considerable number of persons in attendance or around the polls through the day; indeed, they have information that not to exceed twenty to thirty persons were around the polls of the said Oxford precinct at any time during the 6th day of October. They would further state that they have satisfactory evidence that the population of Johnson county is too sparse to contain a population so great as represented to be polled at that precinct. They are assured, too, that a vast majority of the names attached to the returns are not known in Johnson county. To this they would add that the said Oxford precinct is situated on the borders of the Territory, within a few rods of the Territorial line, and that the town of Little Santa Fe, in Missouri, is contiguous to said precinct and that if any such number of votes were polled, your memorialists believe they were polled by non-residents of the Territory of Kansas. They also are confident that such a large number of votes could not have been polled at one precinct, and by one set of officers, within the time limited by law.

We would also state that Johnson county, and Oxford precinct in particular, is within the limits of any Indian Territory, which is specially reserved by the organic act out of the Territory of Kansas; that such Territory was unopened for legal settlement on the 5th and 6th days of October, and that no legal settlements can be made within said reservation now, nor could not on the day, nor at any time prior to said election.

Your memorialists, legal voters of said Representative and Council districts, would respectfully protest against the vote of said Oxford district being counted in the returns of the Eighth Council and Tenth Representative districts, or for Delegate to Congress, for the reasons of fraud and illegality set forth in the above, and for other reasons which may appear. They ask His Excellency, the Governor, and His Honor, the Secretary, to take such action as their judgment may suggest, to inquire into the truth of our said allegations, and to do such other things in the premises as will secure us against fraud, and give to the actual bona fide residents of the Territory and districts a voice in directing their own affairs. All of which is respectfully submitted.

G. W. Smith, Samuel Walker,  
Geo. Ford, S. C. Tolls, T. Sampson,  
Albert Newham, W. H. Duncan, Clark Stearns,  
Henry Brown, C. Hornsby, H. W. Baker,  
C. Hornsby, P. W. Woodward, Gains Jenkins,  
John M. Cee, H. C. Hemmenway, Clark Stearns,  
S. W. Eldridge, E. A. Edwards, J. H. Taney,  
M. Solomon, R. M. Wilkinson, E. D. Ladd,  
Geo. W. Hunt, Geo. C. Chandler,  
L. L. Curtis, W. R. Judson, Jas. Christian,  
Augustus Wattles, Jas. F. Legate,  
Erasmus Heath, Jas. Christian,  
J. F. Griswold, TERRITORY OF KANSAS,  
Douglas county, ss.

I, G. W. Brown, Notary Public, duly commissioned and sworn, do certify that the above persons, whose names are in their own proper hand, are personally known to me to be the persons they represent themselves to be; that they are legal voters of the 8th Council and 10th Representative Districts, as they therein set forth; that they are persons of known integrity, and that each of them, save C. Hornsby, did declare on his solemn oath, that the facts and things therein set forth they believe to be just and true; and I further believe that all the facts therein set forth are strictly true.

Witness my hand and official seal, at Lawrence, in the Territory of Kansas, this 14th day of October, A. D., 1857.  
G. W. BROWN, Notary Public.

Upon receiving this protest Governor Walker and his Secretary, Hon. Fred. P. Stanton, went in person to the precinct at which these frauds were said to have been committed. The subjoined proclamation constitutes their report:

## PROCLAMATION.

To the people of Kansas.

LEOMPTON, October 19, 1857.

By the 32d section of the organic act establishing this Territorial government, it is provided in reference to the election of a delegate to Congress, that "the person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly."

By the 16th section of the act of the Territorial Legislature of Kansas, entitled "an act to regulate elections," it is made the duty of the Secretary to examine the returns in the presence of the Governor, and to "give to the person having the highest number of votes in their respective districts, certificates of their election to the Legislature."

Under these two provisions of the laws prevailing in this Territory, the recent general election has presented for the joint consideration of the Governor and Secretary, a question of the gravest importance, not only to our own people, but also to those of the whole Union. This question arises upon the extraordinary returns made from the precinct of Oxford in the county of Johnson. What purpose to be the returns of the election held at that precinct on the 5th and 6th instant, have been received by the Secretary, containing sixteen hundred and twenty-eight names of pretended voters, or nearly one half the number given in the whole Representative District. The disposition to be made of this supposed vote is rendered all important by the fact, that the political character of the Legislative Assembly will be controlled by the addition of three Councilmen and eight Representatives, to the strength of one party or the other, according to the adoption or rejection of the returns in question.

In point of fact it is well known that even the whole county of Johnson, comprising, as it does, part of an Indian Reserve, which, upon examination of the law, we find is not yet subject to settlement or pre-emption, can give no such vote as that which is represented to have been polled at this inconsiderable precinct of Oxford. But while this unoffical knowledge, well established and universal as it may be, could not become the ground of decision and action upon election returns, in themselves regular and authentic, the legitimate effect of an apparent enormity, such as that in question, would necessarily be to induce a close examination of the paper presented, and to require for its acceptance a perfect compliance with all the essential provisions of the law. Such an examination of this document, conscientiously

and impartially made, has brought us to the conclusion that the returns from Oxford precinct in Johnson county must be wholly rejected for the following reasons:

1st. It does not appear on the face of the document presented to us, or in any other manner, that the judges of election took the oath imperatively required by the statute, to secure the "impartial discharge of their duties according to law."

2d. It does not appear that the paper presented to us was one of the two original poll-books kept at the election, as required by law; but, on the contrary, it does appear, from unmistakable internal evidence, that the paper is either a copy of some other document, or has been made up for the occasion, and is not the genuine record of the votes taken at the election. The law requires one of the poll-books to be returned to the Secretary, the other to be deposited with the Clerk of the Board of Commissioners, of the proper county.

3d. As the vote of each elector was to be recorded for each one of twenty-two candidates, and in more than a hundred cases, for twenty-five, and that by a *viva voce* vote, it was a physical impossibility that the number of votes pretended to have been taken on the second day, being more than fifteen hundred, with the name of the voter written, and each of twenty-two candidates properly designated, could have been taken and recorded within the time prescribed by law.

4th. It is an extraordinary fact, tending to throw distrust upon the whole proceeding, that of the sixteen hundred and twenty-eight votes, only one is given to the delegate elect to Congress; and only one hundred and twenty-four are said to have been cast for the local candidates of the township.

Influenced by these considerations, and impressed with the grave responsibility resting upon us in regard to the fairness of the election, and its freedom from all fraud susceptible of detection and prevention within the scope of our duties, we deem it essential to truth and justice that we should ascertain every fact calculated to refute or confirm the conclusions derived from the face of the papers. Accordingly we went to the precinct of Oxford, (which is a village with six houses, including stores, and without a tavern,) and ascertained from the citizens of that vicinity, and especially those of the handsome adjacent village of New Santa Fe in Missouri, (separated only by a street and containing about twenty houses,) that altogether not more than one tenth the number of persons represented to have voted, were present on the two days of the election, much the smaller number, not exceeding thirty or forty being present on the last day, when more than fifteen hundred votes are represented as having been given. The people of Oxford, as well as those of the neighboring village of Santa Fe, were astounded at the magnitude of the returns; and all persons of all parties, in both places, treated the whole affair with derision or indignation, not having heard the alleged result until several days after it had occurred.

In the course of our journey to and from Oxford we passed over much the larger part of the country of Johnson, and we became thoroughly satisfied that there is no population in the whole country from which more than one-third the vote of that single precinct could have been given. We learned that some very few persons, having cabin on the reserve in Johnson county, and claiming a residence therein, though generally absent, had voted at some of the precincts in that county; but we are convinced that a very inconsiderable number, not reaching, we believe, one hundred, of Missourians or other persons having no admitted right to vote, did claim or attempt to exercise that right, anywhere within that county. The people of Missouri cannot be justly charged with any interference in the late election, nor are they in any degree complicated with the evidently fraudulent returns made from the precinct of Oxford. Those returns, beyond all doubt, are simulated and fictitious.

Under these circumstances, we do not feel embarrassed by any technical difficulty as to our right to go behind the returns. We hold the returns themselves to be defective in form and in substance, and therefore inadmissible. We go behind them and inquire into the facts, only for the purpose of ascertaining whether by these valid objections to the mere returns, our rejection of them will have the effect of defeating the will of the people, sought to be fairly expressed at the polls. In the event of such consequences, we might hesitate to reject a vote upon any defect of form, however essential in law. But in the present case, we feel ourselves bound to adhere to the very letter of the law, in order to defeat a gross and palpable fraud. The consideration that our own party, by this decision, will lose the majority in the Legislative Assembly, does not make our duty in the premises less solemn and imperative. The elective franchise would be utterly valueless, and free government itself would receive a deadly blow, if so great an outrage as this could be shielded under the cover of mere forms and technicalities. We cannot consent, in any manner, to give the sanction of our respective official positions to such a transaction. Nor can we feel justified to relieve ourselves of the proper responsibility of our offices, in a case where there is no valid return, by submitting the question to the Legislative Assembly, and in that very act, giving the parties that might claim to be chosen by this spurious vote, the power to decide upon their own election.

In view of the condition of affairs in Kansas for several years past, of the efforts so long made to put in operation here a revolutionary government, and of the fact that this effort was suspended under the belief that the political difficulties of this Territory might at length be fairly adjusted at the polls; if that adjustment should now be defeated and the people deprived of their rightful power under the laws of Congress, by fictitious returns of votes never given, it is our solemn conviction, that the pacification of Kansas, through the exercise of the elective franchise would become impracticable, and that civil war would immediately be recommended in this Territory, extending, we fear, to adjacent States and subjecting the government of the Union to imminent peril.

Because, therefore, the paper now under examination is not one of the original poll-books, by law required to be returned, and from the absence of the oath prescribed by the territorial statutes for the judges of election, the returns become thus clearly invalid and as we believe fictitious and simulated, we have under the circumstances no alternative but to reject the whole return from the Oxford precinct, and to give the certificates to those who appear to have been elected by virtue of the other regular returns.

R. J. WALKER,  
Governor of Kansas Territory.  
FRED. P. STANTON, Sec'y.

A FATAL ACCIDENT.—The Evansville Journal has the following:

On the 14th inst., a party of gentlemen left Ripley, Tennessee, on a camp hunt, among whom was Mr. Edward Cunningham, who for some months past has been a resident among us, and a son of Mr. George Cunningham, of this city. The party was divided, as is the custom in a deer-hunt, each having a stand. Not being successful, they were about changing locations, when Mr. C. placed his gun against a tree and mounted his horse, then took his gun by the muzzle in his left hand, and in raising it the hammer struck a tree and exploded both barrels, the contents taking effect in his left temple, shattering his skull and brains in a most frightful manner, and killing him instantly.

The deceased leaves a wife and three young children to weep over his untimely fate. The blow falls heavily upon his family and friends, but with peculiar force upon his father, who is advanced in life. He had written to his brother, Mr. H. R. Cunningham, of this city, informing him of an intended visit to this place to meet his family, who are now in New Liberty, Ky., and were only awaiting his arrival here that they might join him. Mr. Cunningham removed to this place from Frankfort, Ky.

The other day a Jew was quizzing an Irishman, and kept at him until he was somewhat aggravated, when turning around he tarly remarked: "Yes, dom yer sowl, if it hadn't been for the likes of rees, the Saviour would a bin alive now, and doin' well."

Sterne used to say, "The most accom-

plished way of using books, is to serve them as

most people do lords—learn their titles and then brag of their acquaintance!"

## Charmed by a Rattlesnake.

A writer in the United States Magazine presents the following description of a young girl, charmed by a rattlesnake, one of the most beautiful descriptions ever penned:

"Before the maiden rose a little clump of bushes, bright tangled leaves flaunting wide in glossiest green, with vines trailing over them thickly decked with blue and crimson flowers. Her eye communed vacantly with these; fastening by a star-like shining glance, a subtle ray that shot out from the circle of green leaves, seeming to be their very eye, and sending out a fluid lustre that seemed to stream over the space between and find its way into her own eyes. Very piercing and beautiful was that subtle brightness of the sweetest, strongest power. And now the leaves quivered and seemed to float away only to return, and the vines waved and swing away in fantastic mazes, unfolding ever-charming varieties of form and color to her gaze; but the star-like eye was ever steadfast, bright and gorgeous, in their midst, and still fastened with strange fondness upon her. How beautiful, with wondrous intensity, did it gleam and dilate, growing larger and more lustrous with every beam it sent forth. And her own glance became intense, fixed, also; but with a drowsing sense which conjured up the wildest fancies, terribly beautiful, that took her soul away from her, and wrapt it about as with a spell. She would have fled, she would have flown, but she had no power to move. The will was wanting to her flight. She felt that she could have bent forward to pluck the gem-like thing from the bosom of the leaf in which it seemed to grow, and which irradiated with its bright white gleam; but ever as she stretched forth her hand and bent forward, she heard a rush of wings and a shrill scream from the tree above her—such a scream as the mocking bird makes, when angry, it raises its dusky chest and flaps its wings furiously against its slender sides. Such a scream seemed like a warning, and though yet unawakened to a full consciousness, it startled and forbade her effort.

"More than once in her survey of this strange object had she heard that shrill note of warning, and to her mind the same vague consciousness of an evil presence. But the star like eye was still upon her own—a small, bright eye, quick like that of a bird; now steady in its place, and observant, seemingly, only of hers; now darting forward with all the clustering leaves about it, and shooting up toward; as if wounding her to seize. At another moment, riveted to the vine which lay around it, it would whirl round and round, dazzlingly bright and beautiful, even as a torch was being hurriedly by night in the hand of some playboy. But in all this time the glance was never lost from her own; there it grew, fixed, a very principle of light, and with a bright, subtle, burning, piercing, fascinating glow, such as gathers in vapor above the old grave, and binds us as we look—shooting, darting directly into her eye, dazzling her gaze, defeating its sense of perception. She felt dizzy, for as she looked, a cloud of colors bright, gay, various colors, floated and hung like soft drapery around the single object that had so secured her attention and spell-bound her feet. Her limbs felt momentarily more and more insecure, her blood grew cold, and she seemed to feel the gradual freeze of vein by vein, throughout her person. At that moment a rustling was heard in the branches of the tree beside her, and the bird, which had so repeatedly uttered a single cry above her, as it were of warning, flew away from his station with a scream more piercing than ever. This movement had the effect for which it seemed intended, of bringing back to her a portion of that consciousness she had been nearly deprived of before. She strove to move from the beautiful but terrible presence, but for a while she strove in vain. The rich, star-like glance still riveted her own, and the subtle fascination kept her bound. The mental energies, however, in the moment of their greatest trial, now gathered suddenly to her aid, and with a desperate effort, and with a feeling of most annoying uncertainty and dread, she succeeded partially in the attempt, and threw her arms backward, her hands grasping the neighboring tree, feeble, tottering, and depending upon it for support which her own limbs almost entirely denied her. With her movement came, however, the full development of the powerful spell and dreadful mystery before her.

"As her feet receded, though but a single pace, to the tree which she now rested, the audibly articulated ring, like that of the watch when wound up with the verge broken, announced the nature of the monster rattlesnake, now but a few feet before her, lying coiled at the bottom of a beautiful shrub, with which, to her dreamy eye, many of its own glorious hues had been associated. She was at length conscious enough to perceive and feel her danger; but her terror had deprived her of the strength necessary to fly from her dreadful enemy. There still glared the eye beautifully bright and piercing, fixed upon her own; and seemingly in the spirit of sport, the insidious reptile slowly unwound himself from his coil, but only to wind himself up again into muscular rings, his great flat head rising in the midst, and slowly nodding as it went toward her, the eye still peering into her own, the rattle slightly ringing at intervals, and giving forth that paralyzing sound, which once heard, is remembered forever. The reptile all this while seeming conscious of, and to sport with while seeking to excite her terror—Now, with his flat head, distended mouth and curving neck, would it dart forth its long form to warn her—its fatal teeth, while its eye shot forth glances of that fatal fascination, malignant, bright, which by paralyzing with a moved form of terror and of beauty, may readily account for the spell which it possess of binding the feet of the timid, and denying even to fear the privilege of flight. Could she have fled? She felt the necessity, but the power of her limbs was gone; and there still, coiling and uncoiling, its arched neck glittering like a ring of bronzed copper, bright and lurid, and the dreadful beauty of its eye still fastened, eagerly contemplating the victim, while the pendulous rattle still rung the death note, as if to prepare the conscious mind for the fate which is momently approaching the blow. Meanwhile the stillness became deathlike with all surrounding objects. The bird had gone with its scream and rush. The breeze was silent. The vines ceased to wave. The leaves faintly quivered on their stems. The serpent once more lay still, but the eye was never turned away from the victim. Its corded muscles are all in a coil. They have but to unclasp suddenly, and the dreadful fangs will be upon her in full length, and the fatal teeth will strike, and the deadly venom which they secrete will mingle with the life blood in her veins.

"The terrified damsel, her full consciousness restored, but not her strength, feels all her danger. She sees that the sport of the terrible reptile is at an end. She cannot mistake the hideous expression of his eye. She tries to scream, but her voice died away to a feeble gurgling in her throat. Her tongue is paralyzed—her lips sealed; once more she strives for flight, but her limbs refuse their office. She has nothing left of life but its fearful consciousness. It is in her despair that, as a last effort, she succeeds to scream—a single wild cry, forced from her by this accumulated agony; she sinks down upon the grass before her enemy—her eyes, however, still open, and still looking upon those which directs forever upon them. She sees him approach, now advancing, now receding, now swelling in every part with something like anger, while his neck arched beautifully, like that of a wild horse under the curb, until, at length, tired as it were of play, like the cat with her victim, she sees the neck growing larger, and becoming completely bowed as if to strike—the huge jaw unclosing almost directly above her; the long, tribulated fang, charged with venom, protruding from the cavernous mouth—and she sees no more! Insensibility comes to her aid, and she lay almost lifeless under the folds of the life blood in her veins.

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# THE COMMONWEALTH.

## FRANKFORT.

THOMAS M. GREEN, Editor.

FRIDAY, OCTOBER 30, 1857.

**L** The Frankfort Commonwealth, after advocating for some time a continuance of specie payment on the part of the Kentucky banks, recommends an immediate suspension as the only hope of relief from existing evils in our monetary affairs.—*Lou. Journal.*

If our respected cotemporary of the *Journal* will just make a slight alteration in the above paragraph by substituting the name of his own paper for that of the *Commonwealth*, he will have hit the nail exactly on the head, and moreover, have given it a pretty hard lick. We never did advocate a continuance of specie payment by the Kentucky Banks, although all of our article<sup>s</sup> were calculated and designed to inspire confidence in the minds of the people in the ability of the Kentucky banks to meet all their engagements, and to give an assurance to the people that the banks could and would redeem their notes when presented—and we did this in order to secure business men against the slanderous misrepresentations of the "assorting brokers," who, by discrediting the banks, were inducing the holders of Kentucky bank notes in other States to "sell them at a discount." The fact is, that, until our last issue, we gave the banks no advice upon the subject,—whether to suspend or not—and we did not meddle in the matter simply because we greatly doubted our ability and right to dictate to or advise the ablest financiers of the country upon the course to be pursued in such an important juncture.

Extract from the minutes

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This will doubtless be a great relief to the business men, but not near the amount which is necessary. If the Northern Bank of Kentucky can expand to the amount of 5 per cent., how far could it expand safely if specie payments were suspended? They must come to a suspension at last, or the country will be ruined.

**IMPORTANT DECISION UPON A RAILROAD CASE.**—Judge McLean delivered a long decision at Cincinnati, Ohio, on Monday, in the U. S. Circuit Court of Indiana, upon a motion to appoint a Receiver for the New Albany and Salem Railroad Company, in the case of Dow Williamson, Treasurer, &c., vs. the N. A. & S. R. R. Co. The Judge decided—1st. That a Receiver need not be appointed simply because there was a default in the payment of interest upon the bonds of the Company. The law abhors a forfeiture, and would never enforce one. 2d. The fact that the Company has paid all the net earnings (saving the annual surplus) to liquidate its floating debt, did not justify the Court in holding that this was a misapplication of the earnings, for, if that debt was contracted to finish the road, or to lay the track, then it was beneficial to the bondholders and all concerned. 3d. That the Court would not take the road out of the hands of the present managers, for it was apparent that they had managed the road with fidelity and integrity. The Court then made an order, directing that in future the net earnings of the road should be applied in equal proportions to the payment of the floating debt and the interest upon Bonds.

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**CARRYING DEADLY WEAPONS.**—We agree with our cotemporary of the *Baltimore Patriot*, that this evil and dangerous practice cannot be too strongly condemned. It is the fruitful source of outrage and murder. We have often heard judicious persons say that they refrained from carrying deadly weapons, even in self defense, because they could scarcely trust themselves in moments of extreme excitement. Frenzy, or extreme emotions might, in an unfortunate period, usurp reason, leading to the perpetration of acts that would cast a blight upon after life. Persons of ungovernable temper, or those under the influence of intoxicating liquor, carrying secret weapons, are apt not only to use them uncautiously, but, finally, without stopping to think, until too late, of the terrible consequences. As it is almost impossible for the police, or those in authority, to prevent this evil practice, we would give it as advice to all order-loving citizens—to every one, without distinction of party—to resolve within themselves, that carrying deadly weapons is dangerous, contrary to law, and setting a bad example.

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**SALES OF CATTLE.**—Several cows and calves, belonging to Mr. Richardson, were sold on the fair-grounds at Wytheville, Va., last week. A thorough-bred cow, Tulip, and her calf were sold to Capt. Robert Raper for \$275. Two yearling heifers, Milkmaid and Maggie Lawton, were bought by Mr. Henry W. Richardson for \$255 each. Eighth of January, a four year old cow was knocked off at \$130. A thorough-bred calf, belonging to Mr. Alexander Matthews, was sold to Mr. Z. Johnston, of Rockbridge, for \$175.

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**Resolved,** That, in the opinion of this Board, the Northern Bank is now able to offer reasonable facilities for carrying to market the products of the State, and will co-operate with the other banks in so doing.

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Oct. 12, 1857—3m.

**FIRE! FIRE!!**

BUILDINGS AND MERCHANTIZE  
INSURED AGAINST

LOSS OR DAMAGE BY FIRE.

Losses Liberally Adjusted and Promptly  
Paid.

JAMES R. WATSON,

At the Auditors Office, is Agent for the following Com-  
panies, fully authorized by State License, having  
complied with the law in respect to Insurance  
Offices, viz:

The Quaker City Insurance Company of  
Philadelphia, capital \$350,000  
State Fire and Marine Insurance Company  
of Pennsylvania, capital \$380,000  
The Franklin Insurance Company  
of Pennsylvania, capital \$200,000  
Peoria Marine and Fire Insurance Com-  
pany, capital \$500,000

A portion of the business of Frankfort and vicinity  
respectfully solicited. Policies issued at reasonable  
rates.

[Sept. 9, 1857—1f.]

NEW YORK

LIFE INSURANCE COMPANY.

A meeting of the Board of Directors, at Frankfort  
for the New York Life Insurance Company, on Sat-  
urday, the 1st day of August, 1856, the following resolu-  
tion was unanimously adopted:

"The undersigned, President and Directors of the  
Company, have examined the report and exhibits of  
the New York Life Insurance Company for the last  
year, embracing all its affairs, assets, &c., & to the  
1st of January, 1856, and being satisfied with the  
perfect sound condition of the Company, cordially re-  
commend it to the encouragement and support of the  
whole community."

"It has been in operation two years ago, with  
\$50,000, which has accumulated to \$1,050,000 65, pri-  
marily invested in state stocks, and in bonds and mort-  
gages, believed to be undoubtably good."

"We know of no mode of investing money more prof-  
itably. The profits are mutual for the insured, and  
have averaged less than thirty per cent. annually  
on the premium paid."

C. S. MOREHEAD, President.  
R. C. WINTERSMITH,  
ED. C. TAYLOR,  
THOS. S. PEER,  
A. G. HODGES,  
CHARLES G. PHYTHIAN,  
Directors.

ELEVENTH ANNUAL REPORT.

Amount of assets 1st January, 1855, \$902,062 70

Amount of receipts for premiums, inter-  
est, &c., to 1st Janua-  
ry, 1856, \$78,181 14

DISBURSEMENTS.

Paid losses by death, interest on dividends,  
and all other expenses, 221,340 19

156,945 95

Accumulated unto 1st January, 1856, \$1,050,000 65

It will be seen by the above statement that this Com-  
pany is in a flourishing condition. Those desiring in-  
formation in regard to insurance, will make application  
to the undersigned.

H. WINGATE, Agent,  
Frankfort Branch Bank.

Aug. 14, 1857.

HOME INSURANCE COMPANY

OF NEW YORK,  
OFFICE NO. 4, WALL STREET.

CASH CAPITAL, \$500,000 00  
AMT OF ASSETS June 30, '55, 747,972 44  
AMOUNT OF LIABILITIES, 53,677 68

This Company continues to insure Buildings, Merchan-  
dise, Ships in Port and their cargoes, Household Fur-  
niture and personal property generally, against  
loss or damage by Fire, on favorable terms.

Losses Equitably Adjusted and Promptly  
Paid.

H. WINGATE, Agent,  
Frankfort, Ky.

FRUIT AND ORNAMENTAL  
TREES, VINES, SHRUBS, &c.

CULTIVATED AND FOR SALE

BY  
Ed. D. Hobbs & J. W. Walker,  
AT THE EVERGREEN NURSERIES

Twelve miles East of Louisville, Ky., immediately on the  
Louisville and Frankfort Railroad.

Next and printed Catalogue of  
the Fruit, Ornamental Trees,  
Vines, Shrubs, &c., at the above  
named Nursery, may be had by  
application to A. G. Hodges,  
Frankfort, Ky., or to  
A. G. HODGES, Frankfort, Ky.

Aug. 31, 1857—6w\*

NON-RESIDENTS LANDS,  
FOR FORFEITURE.

The following lands will be forfeited to the State of  
Kentucky, on the 10th day of February, 1858, if the ex-  
cess, interest and cost due thereon is not paid on or before  
the 1st day of January, 1858:

No. 490—Benoni Swett, proprietor, (part of 686 acres,) 243  
acres, Green county, East Fork of Little Barren; taxes  
for 1854-5-6; amount, \$2 05.

No. 491—Wm. Robertson, 666 1/2 acres, Christian  
county, Highland creek, surveyed, Wm. Robertson:  
taxes, 1854-5-6; amount, \$4 72.

No. 500—Wm. Robertson, 533 1/2 acres, Christian  
county, Highland creek, surveyed, Wm. Robertson:  
taxes, 1854-5-6; amount, \$5 92.

No. 501—Wm. Robertson, 165 1/2 acres, Christian  
county, Trademark creek, surveyed, Wm. Robertson:  
taxes, 1854-5-6; amount, \$1 17.

No. 518—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, surveyed, Wm. Robertson; taxes,  
1854-5-6; amount, \$1 42.

No. 520—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented,  
John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 525—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 526—Wm. Robertson, 119 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 527—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 528—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 529—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 530—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 531—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 532—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 533—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 534—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 535—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 536—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 537—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 538—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 539—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 540—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 541—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 542—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 543—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 544—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 545—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 546—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 547—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 548—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 549—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 550—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 551—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 552—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 553—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 554—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 555—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 556—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 557—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 558—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 559—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 560—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 561—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 562—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 563—Wm. Robertson, 200 acres, Henderson coun-  
ty, Highland creek, entered, surveyed and patented  
by John Christian; taxes, 1854-5-6; amount, \$1 42.

No. 564—W